HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI

AND

HON'BLE SRI JUSTICE G. BHAVANI PRASAD

Writ Appeal No.416 of 2006

Between:

Dr. B.R.Ambedkar Open University,

rep. by its Registrar, Hyderabad & others. … Appellants.

AND

G.Chandra Mouli and others. … Respondents.

:: JUDGMENT ::

Counsel for the Appellants : Sri M. Ratna Reddy

Counsel for the Respondents : Sri V. Ravi Kiran Rao

25th APRIL 2006

Per G.S. Singhvi, C.J.

This appeal is directed against order dated 11-11-2005 passed by the learned Single Judge, whereby he allowed Writ Petition No. 23402 of 2005 filed by the respondents and nullified the action taken by the Controller of Examinations of Dr. Ambedkar Open University (appellant No.3 herein) to cancel their examination but directed that the concerned authority shall take fresh decision within a period of two weeks.

During the course of hearing yesterday, we enquired from Sri M.Ratna Reddy whether the direction given by the learned Single Judge had been implemented. In reply, Sri Reddy gave out that the appellants have not taken the desired action. Thereupon, Director, Student Services and Controller of Examinations of Dr. B.R. Ambedkar Open University were directed to appear in person.

In compliance of the direction given by the Court, Prof. Smt. C. Pushpa Ramakrishna has appeared in person and explained the circumstances in which the examination was cancelled. Simultaneously she stated that the result of the disputed examination has been declared.

Although we are not fully satisfied with the explanation given by Prof. Smt. Pushpa Ramakrishna, but, we do not consider it necessary to proceed further with the matter because, the result of the examination has been declared.

Learned counsel for the appellants says that he has been instructed to withdraw the appeal.

In view of the statement made by the learned counsel, the appeal is dismissed as withdrawn. However, it is made clear that it will be open to the University and its functionaries to make a thorough enquiry into the irregularities, if any committed in the holding of examinations in May 2005 at the centre in question. If it is found that there have been malpractices in the conduct of examination or mass copying, then the University functionaries shall be free to cancel the examination of the students after giving them notice and opportunity of hearing.

As a sequel to the dismissal of the writ appeal, WAMP.No.922 of 2006 for stay of the order passed by the learned Single Judge is disposed of as infructuous.

G.S. SINGHVI, C.J.

25th April, 2006

G. BHAVANI PRASAD, J.

ARS/GRR